

APPEAL NO. 021014
FILED JUNE 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 11, 2002. The appellant (claimant) failed to appear at this hearing and did not accept the certified letter mailed to her by the hearing officer on the same date, wherein the claimant was offered an opportunity to show good cause for her failure to appear. After receiving no response to the letter, the hearing officer closed the record on March 25, 2002, and determined that the claimant did not sustain a compensable injury on _____, and did not have disability. On appeal, the claimant expresses disagreement with the hearing officer's decision and contends that the hearing date was initially scheduled for March 5, 2002, but was rescheduled without her knowledge. The respondent (carrier) urges affirmance.

DECISION

Affirmed.

The hearing officer did not err in closing the record on March 25, 2002, and entering a decision adverse to the claimant after she failed to appear at the hearing and failed to accept the certified letter offering her an opportunity to show good cause for her failure to appear. The certified letter, which was mailed to the same address as the one listed as the return address on the envelope containing the claimant's appeal, was returned to the Texas Workers' Compensation Commission by the post office after it attempted delivery on several occasions. The claimant neither denies that she received notice of the existence of the certified letter nor offers an explanation as to why she did not accept it. The hearing officer followed the process outlined for handling cases where parties fail to appear at the hearing. See Texas Workers' Compensation Commission Appeal No. 990028, decided February 22, 1999, and the decisions cited therein. The claimant had the burden of proving that she sustained a compensable injury and that she had disability. As the claimant presented no evidence, the hearing officer properly determined that the claimant did not sustain that burden.

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **CLARENDON NATIONAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**UNITED STATES CORPORATION COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Robert E. Lang
Appeals Panel
Manager/Judge